

United States District Court
Eastern District of California

Mario Hatri Wooten,

Plaintiff,

vs.

Gary J. Leonard, et al.,

Defendants.

No. Civ. S 02-2408 FCD PAN P

Order

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Plaintiff moves to modify the schedule made May 20, 2005.

A scheduling order may be modified only upon a showing of good cause. Fed. R. Civ. P. 16(b). Good cause exists when the moving party demonstrates he cannot meet the deadline despite exercising due diligence. Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992).

Discovery closed September 16, 2005. Plaintiff asserts he could not timely complete discovery because he received the schedule August 24 but lost access to his legal materials the

1 same day because he was transferred to the segregated housing
2 unit in Corcoran State Prison.

3 Plaintiff had several months to seek discovery before
4 temporarily losing access to his legal materials regardless of
5 when he received the schedule. Plaintiff does not explain what
6 discovery he has yet to seek or why he was unable to meet the
7 deadline despite due diligence.

8 Accordingly, plaintiff's August 25, 2005, request is denied.

9 So ordered.

10 Dated: November 29, 2005.

11 /s/ Peter A. Nowinski

12 PETER A. NOWINSKI

13 Magistrate Judge
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